

Shoalhaven Heads Estuary Taskforce

Meeting Date: Tuesday, 19 July, 2022
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4:00pm

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Agenda

1. **Apologies**
2. **Confirmation of Minutes**
 - Shoalhaven Heads Estuary Taskforce - 15 March 2022 1
3. **Declarations of Interest**
4. **Reports**
 - SH22.8 Shoalhaven Heads Estuary Taskforce (SHET) - Terms of Reference 8
5. **General Business**

Membership

Clr Serena Copley - Chairperson
All Councillors
Mr Gareth Ward MP (Nominee – TBA)
Mr Phil Guy
Mr David Lamb
Mr Bob Williamson
Mr Barry/Brian Allen
Mr Craig Peters
Mr Gerald Groom
Mr Stephen Short
Ms Robyn Flack
Mr Rob Russell
Ms Jessica Zealand

Quorum – Three (3): One (1) Councillor and Two (2) Community Members

Purpose

- Examine options for pursuing a partial or complete opening of Shoalhaven Heads
- Review Councils current Entrance and Estuary Management Plans for Shoalhaven Heads
- Report directly to Council

MINUTES OF THE SHOALHAVEN HEADS ESTUARY TASKFORCE

Meeting Date: Tuesday, 15 March 2022
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 4:00pm

The following members were present:

Clr Serena Copley - Chairperson
Clr Amanda Findley – joined meeting at 4:40pm
Clr Liza Butler (remotely)
Clr Paul Ell (remotely)
Clr Evan Christen
Clr Patricia White
Clr John Wells
Clr Mark Kitchener
Clr Tonia Gray
Mr Gerald Groom
Mr Phil Guy
Mr David Lamb (remotely)
Ms Robyn Flack

Others present:

James Ruprai – Director City Development
Mr Michael Roberts – Manager – Environmental services
Nigel Smith – Coastal Management Program Coordinator
Matt Blacka – UNSW Water Research Laboratory (remotely)

Apologies / Leave of Absence

Apologies were received from Rob Russell, Barry Allen and Gareth Ward MP

SH22.7 Confirmation of Minutes

The minutes of the previous meeting were confirmed on the basis that the following outstanding items be noted as incomplete:

- SHET membership to be updated to reflect the resignation of Mike James and Carole Cassidy
- Workshop on Strategic Action Plan for Shoalhaven Heads
- Jess Zealand was unsure of her membership status of SHET

Post meeting note: membership was confirmed with the Shoalhaven Heads Estuary Taskforce, noting Ms Jess Zealand is not a current member.

RESOLVED (Clr Wells / Robyn Flack)

That the Minutes of the Shoalhaven Heads Estuary Taskforce held on Wednesday 16 June 2021 be confirmed.

CARRIED

Declarations of Interest

Nil.

REPORTS**SH22.1 Shoalhaven Heads - Pre-dredge feasibility studies - grant project update****HPERM Ref:
D22/78861**

The grant is to undertake pre-dredge studies of the Lower Shoalhaven River to determine if dredging of a navigation channel linking the Holiday Haven Caravan Park boat ramp and the public jetty at Jerry Bailey Road is feasible. Undertaking this grant is the first step to determine the feasibility and potential environmental approvals pathway to undertake channel dredging.

Michael Roberts – Manager – Environmental Services – provided the following updates on progress of the various milestones (and sub-milestones) pre-dredging feasibility study (Table on pg 11 of the paper) funded by a grant from Transport for NSW's (TfNSW) Maritime Infrastructure Development Office (MIDO) under their NSW Boating Access Dredging Program:

- Completed hydrographic surveys – undertaken between November 2021 and January 2022
- Sampling and Analysis Plan (SAP) is complete - Final Report expected to be available shortly
- Terrestrial and aquatic flora & fauna ecologist has been engaged and study is underway and completion of study is due in April 2022. Threatened and migratory shorebirds and endangered ecological communities and seagrass presence are likely constraints to be considered in this study.
- Coastal Engineer studies: review of pre-dredge studies and collation of all studies from all milestones.

Robyn Flack advised that following the recent flood and looking at the area that these studies relate to along River Road, the area from the end of the rock wall to the west as well as the area to the east towards the boat ramp & pontoon has lost considerable amount of sand. At the moment, the footpath in the area to the east, are sitting in open air.

The flood mitigation drain has also been impacted on by south-westerly winds.

Robyn asked the question in relation to the need for a permit to manage the sand fans near the rock revetment and accumulation of sediment at the flood gate at the eastern end near the boat ramp.

Michael Roberts addressed this through conversations that he had with DPI Fisheries in relation to obtaining permits. Michael reiterated the importance of maintaining key stakeholder relationships, fostering these and improving them. Michael provided the maintenance of the flood gate mitigation, which was permitted by DPI Fisheries. Michael mentioned that DPI Fisheries advised that the removal of sand fans required a permit from DPI Fisheries as it constitutes seagrass habitat/dredging and reclamation.

Michael Roberts discussed the need to source sand. Michael Roberts then discussed the need to open up dialogue with DPI Fisheries in relation to the removal of the sand fans during the stakeholder relations that need to occur and to be discussed in SH22.2.

Phil Guy discussed the navigable waters aspect of the study and the need for dredging. Phil Guy acknowledged that dredging does not look like it is going to happen, in an expedited fashion.

Phil Guy then raised drainage concerns associated with the rock revetment. Phil Guy discussed the failures of the drainage that had been installed.

Clr Wells referred the subject matter raised by Mr Phil Guy to SH22.2.

Jess Zealand requested a motion to be put forward in relation to emergency works 68,70 and 73 river bank to be restored. Clr Wells referred to SH22.2 for this discussion.

Recommendation (Item to be determined under delegated authority)

That the Taskforce receive the Lower Shoalhaven River, pre-dredge studies grant Progress Report for information.

RESOLVED (Clr Wells / Clr Gray)

That the Taskforce receive the Lower Shoalhaven River, pre-dredge studies grant Progress Report for information.

CARRIED

| | | |
|---------------|---|-----------------------------|
| SH22.2 | River Road Foreshore Precinct Rehabilitation Project Progress Report | HPERM Ref: D22/79029 |
|---------------|---|-----------------------------|

Michael Roberts provided the background to the rationale for this paper. The environmental assessment prepared by Water Research Laboratory (WRL) and subject to SH22.2 came about from a community meeting attended by SHET committee members in October 2021. It was discussed at this October 2021 meeting to extend the rock wall by approximately 89 metres to the stormwater easement to the east.

WRL's involvement was deemed a continuation of the risk assessment process in 2016/2017 that designated where the rock revetment was deemed to be constructed (post 2016 – East Coast Low). The WRL report produced was peer reviewed by Greg Britton and Council's Coastal Engineer (Nigel Smith) – this has provided a defensible and reputable outcome / solutions.

Matt Blacka – WRL UNSW - made a presentation to the meeting (attached). This presentation focussed on a current review of the rock revetment, how it was constructed and recommendations to address the end effects (apparent erosion scouring). Matt Blacka provided the following:

- The rock revetment is interacting with swash much more than it should have as per the design and limited nourishment – primary reason for the end effect.
- The 89 metre section was discussed and recommendations provided on the basis of surveyed transects 2008, 2016 and 2021 – bank toe alignment and bank crest alignment.

Matt Blacka provided an update on the management prioritisation. The further east the risk becomes lower. Beyond the end effects, WRL have recommended adequate sand nourishment and revegetation – leading to a better beach amenity instead of extending the rock wall to the 89 metre extent. The problems associated with end effects to the immediate east of the current rock wall would just be extended if the rock wall was extended.

Robyn Flack asked a question about the current rock wall and the opposition expressed by the community. Forty-six (46) trees needed to be cut down to facilitate the construction of the rock wall. Robyn Flack stated that the trees remaining along the bank have been undermined. Robyn Flack expressed concern about damage to the environment and 'maintain existing vegetation where possible' statement in the WRL report.

Michael Roberts discussed the principles of Tree Protection Zone and Structural Root Zone and in relation to *Banksia integrifolia*. Michael Roberts discussed an inspection that he carried out and that occurred on 14 March. Michael Roberts said that he had arranged for the internal Council

arborist to carry out an inspection of these trees.

Michael Roberts discussed the rationale for the construction of the existing rock wall – protection of River Road and Endeavour Energy assets. Michael Roberts discussed the importance of addressing the end effects and re-iterated what Matt Blacka (WRL) stated in relation to extending the rock wall to the east – exacerbating the end effects/relocation of the end effects further to the east.

A short adjournment of the meeting took place to allow discussion between the community members present and to put forward their concerns.

The meeting adjourned, the time being 4:58pm.

The meeting reconvened, the time being 5:06 with the following members present:

Clr Serena Copley - Chairperson
Clr Amanda Findley
Clr Liza Butler (remotely)
Clr Paul Ell (remotely)
Clr Evan Christen
Clr Patricia White
Clr John Wells
Clr Mark Kitchener
Clr Tonia Gray
Mr Gerald Groom
Mr Phil Guy
Mr David Lamb (remotely)
Ms Robyn Flack
Ms Jess Zealand
James Ruprai – Director City Development
Mr Michael Roberts – Manager – Environmental services
Nigel Smith – Coastal Management Program Coordinator
Brooke Aldous – Senior Governance Officer
Matt Blacka – UNSW Water Research Laboratory (remotely)

Phil Guy, on behalf of the community members present, raised the following points:

- Reconstruction of the section of rock wall that wasn't constructed in accordance with the design is essential, to be undertaken as soon as possible.
- Emergency work was requested to be undertaken to save the Banksia trees that are currently undermined.
- Queried whether sourcing sand from Terara Sand for the stabilisation of the area is possible.

Michael Roberts – Manager – Environmental Services confirmed that Terara Sand is one option being considered as well as sand from Shell Cove Marina, and advised that Council is liaising with DPI Fisheries and Crown Land for the most sustainable and quickest option for sourcing sand.

Michael Roberts – Manager – Environmental Services also advised that in relation to the Banksia trees, Council has engaged the services of an internal Council arborist to assess the trees and public safety and is awaiting the assessment report from this process, where applicable.

Jess Zealand raised the emergency works required to restore the bank adjoining 68, 70 and 72 River Road.

Michael Roberts – Manager – Environmental Services - discussed what emergency works are under the Coastal Management SEPP. Despite this, Council is working at the same pace as emergency works – and this is vetted by State Government Agencies.

Recommendation

That the Taskforce receive the Shoalhaven Heads River Road Foreshore Precinct Project

(Regional Growth – Environment and Tourism Fund Grant # RNSW1279) Progress Report for information.

RESOLVED (Clr Wells / Phil Guy)

That the Taskforce:

1. Receive the Shoalhaven Heads River Road Foreshore Precinct Project (Regional Growth – Environment and Tourism Fund Grant # RNSW1279) Progress Report for information.
2. Request further assessment in consultation with relevant agencies and community of sand sources and undertake necessary supplementary action to stabilise the foreshore between chain 800 and 950.

CARRIED

SH22.3 Shoalhaven Heads - River Opening

**HPERM Ref:
D22/99472**

Robyn Flack addressed the meeting in relation to the “Management Options for Improving Flows of the Shoalhaven River at Shoalhaven Heads” report by the Water Research Laboratory (Glamore, Ruprecht and Rayner) of UNSW – November 2015 - see attachment.

Robyn Flack acknowledged the complexity of the system and comparisons with studies undertaken within the Manning River. The 1977 document was referenced in relation to dredging and the recent flooding event.

James Ruprai – Director City Development - advised that Council will consider this report within the body of work as part of the CMP review.

Michael Roberts – Manager – Environmental Services – advised that Council is currently at stage 2 of Lower Shoalhaven CMP and have scheduled a tentative date in June for the next CMP Advisory Committee meeting and will schedule a Councillor Briefing / Workshop on this item.

Michael Roberts – Manager – Environmental Services – discussed the environmental approvals process associated with dredging – controlled action potential associated with threatened and migratory shorebirds. Michael Roberts discussed the cost implications – Prosford et al (1977) estimated a cost of \$33 million for certain activities discussed. Michael Roberts stated that this would have to be multiplied by 45 years of CPI to reforecast these costs.

Michael Roberts – Manager – Environmental Services – then addressed Phil Guy’s comments about the recent entrance management works. The following chronology was provided by Michael Roberts:

2 March 2022

- Preparatory works undertaken – pilot channel excavated
- Trigger level of 2.0 metres not reached
- Sought approval from NSW Crown Land to carry out preparatory works as it was not in accordance with the Entrance Management Policy
- Proactive works such as this were undertaken on the basis of BoM Flood Watch as opposed to BoM Flood Warnings
- Works were not undertaken again in the afternoon due to imminent high tide

Overnight

- Spring tides and ocean swell raised berm height and reshaped pilot channel
- Ocean levels were higher than estuary levels
- Trigger at Nowra (Nowra bridge) was reached at 11.35pm

3 March 2022

- Council staff attended site early morning. Deemed unsafe to carry out further pilot channel works due to spring tides and tidal inundation
- At approximately 9am – trigger level at Shoalhaven Heads reached – surf condition as per the above point, prevented works to be undertaken
- At approximately 2.30pm – staff onsite and in standby mode – low tide, were able to reopen the pilot channel

James Ruprai – Director City Development – suggested that close to the Councillor Briefing / Workshop, - another Briefing of the Northern CMP to the Shoalhaven Estuary Task Force to assist with clarifying and informing the Task Force members.

Recommendation

That:

1. Shoalhaven City Council engages a consultant to further investigate the options proposed from the “Management Options for Improving Flows of the Shoalhaven River at Shoalhaven Heads” WRL 2015 report as outlined in the report as:
 - a. Decreased cross-sectional area of Berry’s Canal;
 - b. Increased circulation at Shoalhaven Heads via oceanic transfer pipes;
 - c. Increased estuary wide circulation via a channel on the eastern side of Comerong Island;
 - d. Targeted dredging works within Shoalhaven Heads to improve circulation; and
 - e. Assessment of a permanent entrance.
2. The review of the Shoalhaven Heads Entrance Management Plan for Flood Mitigation, and other related plans currently on review, include an analysis and modelling of the effects of an open entrance and improved flows at Shoalhaven Heads on flooding events at Shoalhaven Heads, Greenwell Point, and upstream of the Shoalhaven River.

RECOMMENDATION (Robyn Flack / Phil Guy)

That the review of the Shoalhaven Heads Entrance Management Plan for Flood Mitigation, and other related plans currently on review, include an analysis and modelling of the effects of an open entrance and improved flows at Shoalhaven Heads on flooding events at Shoalhaven Heads, Greenwell Point, and upstream of the Shoalhaven River within six months.

CARRIED

Note: David Lamb left the meeting at 5:40pm.

GENERAL BUSINESS

SH22.4 Additional Item - Task Force Membership

Discussion took place regarding the membership and two vacant positions as a result of the resignation of Carole Cassidy and Mike James. Clr Wells suggested that the Shoalhaven Heads Estuary Taskforce put a recommendation to Council to advertise for vacancies for membership on the Taskforce, including the opportunity for Indigenous representation.

RECOMMENDATION (By consent)

That Council:

1. Create a new Indigenous representative position on the Taskforce.

2. Advertise to fill the three (3) membership vacancies:
 - a. Community
 - b. Community
 - c. Indigenous

CARRIED

SH22.5 Additional Item - Terms of Reference

There was discussion around formalising a Draft Terms of Reference in regards to membership and the adoption of a quarterly meeting schedule.

It was requested that a Draft Terms of Reference to be distributed to members for review to formalise the structure of the Taskforce.

RESOLVED (By consent)

That a Draft Terms of Reference be developed and circulated to the members of Shoalhaven Heads Estuary Taskforce for review and feedback including formalisation of membership and the adoption of quarterly meetings.

CARRIED

SH22.6 Additional Item - Business Arising from Previous Minutes - 4 Knot Zone

Phil Guy raised Item SH21.2 – River Road Foreshore Precinct Rehabilitation Project Progress Report from the previous minutes of the meeting held 16 June 2021 - Recommendation 2:

“Council relocate the 4 knot zone and to write to Transport for NSW in relation to the visibility of other signage requirements as well as their enforcement of this to reduce boat wash and associated erosion”.

Michael Roberts confirmed that correspondence had been sent to MIDO Maritime.

It was requested that this be raised again with MIDO Maritime, as Council is regularly meeting with them in relation to the pre-dredging feasibility studies.

RECOMMENDATION (By consent)

That Council raise with MIDO Maritime the relocation of the 4 Knot Zone and write to Transport for NSW in relation to the visibility of other signage requirements, as well as their enforcement of this to reduce boat wash and associated erosion.

CARRIED

There being no further business, the meeting concluded, the time being 6:12pm.

Clr Serena Copley
CHAIRPERSON

SH22.8 Shoalhaven Heads Estuary Taskforce (SHET) - Terms of Reference

HPERM Ref: D22/282317

Department: Business Assurance & Risk

Approver: James Ruprai, Director - City Development

Attachments: 1. Draft - Terms of Reference - Shoalhaven Heads Estuary Taskforce (SHET) [↓](#)

Reason for Report

To provide the Shoalhaven Heads Estuary Taskforce with a Draft Terms of Reference for consideration and feedback.

Recommendation

That:

1. The Shoalhaven Heads Estuary Taskforce endorse the Draft Terms of Reference (attached to the report).
2. Draft Terms of Reference be reported to Council for approval and adoption.

Options

1. As recommended

Implications: The Draft Terms of Reference will be reported to Council for adoption.

2. Amendments to the Draft Terms of Reference be tabled at this meeting for consideration.

Implications: Tabled amendments will be reviewed by staff for possible incorporation into the Draft Terms of Reference. Once approved by the Taskforce, these Terms of Reference will be reported to Council for adoption.

Background

At the Shoalhaven Heads Estuary Taskforce meeting held on 15 March 2022, it was resolved (SH22.5):

“That a Draft Terms of Reference be developed and circulated to the members of Shoalhaven Heads Estuary Taskforce for review and feedback including formalisation of membership and the adoption of quarterly meetings.”

Shoalhaven Heads Estuary Taskforce (SHET) – Terms of Reference

SH22.8 - Attachmen

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|------------------------|------------------|
| Adoption Date: | |
| Amendment Date: | |
| Minute Number: | |
| Review Date: | |
| Directorate: | City Development |
| Record Number: | POL22/173 |

1. Purpose

The purpose of the Shoalhaven Heads Estuary Taskforce (SHET) is to act as an advisory and representative group on matters relating to the Shoalhaven River at Shoalhaven Heads.

2. Interpretation

For the purpose of this document:

Member means a member of the Taskforce

CMP means Coastal Management Program

Council means Shoalhaven City Council

Chairperson / Chair means the chairpersons of the Taskforce

Elected members mean the elected Councillors of Shoalhaven City Council

3. Status of the Taskforce

The Taskforce provides non-binding advice to Council for consideration.

4. Role

- To receive and disseminate information and updates to and from the Shoalhaven Heads community about the management of the Shoalhaven Heads estuary.
- To provide information to the Northern CMP Advisory Committee in the preparation of the Lower Shoalhaven River CMP.
- To provide information to the Northern Floodplain Risk Management Committee in the development and preparation of the Lower Shoalhaven Flood Risk Management Study/Plan; and
- When the Lower Shoalhaven River CMP is adopted by Council, the SHET will be disestablished.

5. Delegations

Advisory Taskforces, such as SHET, may make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

This does not include substantial issues and recommendations (possibly including expenditure) that will be reported to Council by a separate report from the Manager – Environmental Services.

The Taskforce does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

6. Membership

The Taskforce will be chaired by a Councillor, elected by Council. The Taskforce is expected to act in accordance with the Role of the Taskforce as defined above in Section 4. The Taskforce will comprise the following:

- Appointed Chair (Councillor)
- All available Councillors
- Council's Chief Executive Officer (CEO) or nominee
- Member for Kiama or nominee
- Indigenous representative
- Youth representative
- Five (5) Community representatives
- Shoalhaven Heads Community Forum representative
- Greenwell Point CCB representative
- Department of Planning and Environment (DPE) representatives
- Transport for NSW (TfNSW) representatives
- New South Wales State Emergency Services (NSW SES) representative
- Local Aboriginal Land Council representative
- Other relevant government agency representatives

Councillor Representatives

Council appoints (1) Councillor to be the voting Chair of the Taskforce. All other Councillors are welcome to attend meetings of the Taskforce as observers and contribute to discussions but are not entitled to vote.

If no Councillors are appointed as members, the Chief Executive Officer or nominee represents the elected member to chair the meeting.

Community Representatives

Following an expression of interest process, the CEO appoints a maximum of five (5) local community representatives, one (1) youth representative between ages 16 and 30, one (1) indigenous representative, one (1) Shoalhaven Heads Community Forum representative, and one (1) Greenwell Point CCB representative, that meet the following criteria:

- A broad interest and understanding of floodplain and/or coastal management.
- A commitment to floodplain and/or coastal management in the nominated Council area; and

- Local resident or businessperson living or working in or near a coastal and/or flood prone area.

Community representatives with Taskforce membership have voting rights.

Community representative appointments:

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Appointments to the Taskforce will be for a three (3) year term with a set commencement and finish date (to be disestablished through the adoption of the Lower Shoalhaven CMP by Council – refer Section 4.0).
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process; and
- An assessment panel consisting of a Council staff member (Manager – Environmental Services), the Chairperson of the Taskforce and one (1) suitably qualified independent representative will assess the applications and make recommendations for appointments to Council. Each member of the assessment panel will vote on recommendations with a majority ruling.

Council Officers

Council officers attend meetings to provide specialist professional advice in engineering, strategic planning, development assessment and environmental management. Council officers do not have voting rights.

Government Agencies

The Chief Executive Officer (or nominee) invites a range of State Government agencies to nominate representatives.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members.

Chair and Deputy Chair

Council appoints one (1) Councillor to be the Chair of the Taskforce. In the absence of the nominated Chair at a particular meeting, the members elect a Chair for that meeting.

Terms of Office

The term of the Chair will be one (1) year which will be reviewed annually in September. Elected members (or their representative) continue as members of the Taskforce until the next ordinary election of the Mayor, or the next general election of Council, or until the Taskforce is disestablished or completes its purpose in accordance with these Terms of Reference.

7. Taskforce Meeting

Agenda

The agenda will be developed by the Director – City Development with support from the Manager – Environmental Services in view of the prevailing issues. Councillors and members can contribute to the agenda by requesting a report on a particular issue four (4) weeks prior to the meeting, subject to the approval of the Chair and the Director – City Development.

Quorum

Five (5) provided that a minimum of one (1) Councillor as Chair or acting chair with voting rights and four (4) community representatives are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

Voting

The Taskforce, and any working group, develop recommendations by consensus. Where voting is required, the Chair will have the power of a casting vote.

Any votes against will be recorded in the minutes.

Meeting Schedule

In general, meeting frequency should be conducted on an as required basis.

Minutes

The Taskforce provides advice to the Council for consideration. The Taskforce advice is posted on the Council website with minutes reported to the elected council. Following consideration of the advice from the Taskforce, any resolution determined by Council, will be posted on the Council website.

Confidentiality And Privacy

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use, or remove any information, unless the member is authorised to do so.

Communication

In relation to the communication functions of SHET, the following apply:

- Members of the Taskforce are not permitted to speak to the media as Council representatives of the Taskforce unless approved by the Chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Taskforce and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes; and

- The Chair of the Taskforce is the point of contact for communication between Taskforce members and Council staff.

8. Code of Conduct

All members of the Taskforce are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Taskforce.

A breach of the Code of Conduct may lead to the member being expelled from the Taskforce.

9. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval. A version history (footnote on front page) is included if amendments have been approved.